

HOUSE BILL No. 1113

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-23.

Synopsis: Liability connected with consumption of food. Grants immunity from civil liability for certain persons involved in the food industry as to a claim concerning weight gain, obesity, a health condition associated with weight gain or obesity, or a generally known condition allegedly caused by or allegedly likely to result from the long term consumption of food.

Effective: July 1, 2006.

Foley

January 5, 2006, read first time and referred to Committee on Judiciary.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1113

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-30-23 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]:

4 **Chapter 23. Liability Connected With Consumption of Food**

5 **Sec. 1. This chapter does not grant immunity from civil liability**
6 **with respect to a claim alleging that:**

- 7 (1) **an adulteration or misbranding of food proximately**
8 **caused the claimed injury; or**
9 (2) **a knowing violation of federal or state law applicable to**
10 **the manufacturing, marketing, distribution, labeling, or sale**
11 **of food proximately caused the claimed injury.**

12 **Sec. 2. Section 3 of this chapter applies to the following:**

- 13 (1) **A food manufacturer.**
14 (2) **A food distributor.**
15 (3) **A food carrier.**
16 (4) **A person who stores food.**
17 (5) **A food seller.**



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1 **(6) A food marketer.**

2 **(7) A food advertiser.**

3 **(8) A group or association containing more than one (1) of the**
 4 **persons referred to in subdivisions (1) through (7).**

5 **Sec. 3. A person or group or association of persons referred to**
 6 **in section 2 of this chapter is immune from civil liability arising**
 7 **from a claim concerning:**

8 **(1) weight gain;**

9 **(2) obesity;**

10 **(3) a health condition associated with weight gain or obesity;**
 11 **or**

12 **(4) a generally known condition:**

13 **(A) allegedly caused by; or**

14 **(B) allegedly likely to result from;**

15 **the long term consumption of food.**

16 **SECTION 2. [EFFECTIVE JULY 1, 2006] IC 34-30-23, as added**
 17 **by this act, does not apply to a cause of action that accrues before**
 18 **July 1, 2006.**

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